HON'BLE SRI JUSTICE A. GOPAL REDDY
AND
HON'BLE SRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION No.26118 OF 2007

DATE: 20.12.2007

Between:

Devara Seethayya

..... PETITIONER

AND

The Station House Officer,
Bheemunipatnam Police Station,
Visakhapatnam District & Another.

.....RESPONDENTS

HON'BLE SRI JUSTICE A. GOPAL REDDY
AND
HON'BLE SRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION No.26118 OF 2007

ORDER: (Per Hon'ble Sri Justice A.Gopal Reddy)

This writ petition is taken up on the basis of telegram sent by petitioner to the Hon'ble Chief Justice, dated 3.12.2007 alleging that

his nephew viz., Muchi Rama Rao was though granted bail in Crime No.502 of 2007 by the Judicial First Class Magistrate, Bheemunipatnam on 1.12.2007, on the same day, at 9.40 p.m. the first respondent along with staff took him away and forcing him to withdraw the case in O.S.No.374 of 2007 and therefore, he his apprehending danger to the life of the alleged detenu.

The Sub-Inspector of Police, Padmanabham Police Station, Visakhapatnam filed a counter affidavit stating that the alleged detenu is accused No.1 in Crime No.502 of 2007 for the offences under Sections 447, 427 r/w 34 IPC of Bheemunipatnam Police Station, registered on 26.11.2007. During the course of investigation, on 1.12.2007 they received intimation from IV Additional Munsif Magistrate, Bheemunipatnam to the effect that the alleged detenu surrendered before the Court on 1.12.2007 and was released on bail as per the orders in Crl.M.P.No.2932 of 2007. Later, another case in Crime No.508 of 2007 has been registered against the alleged detenu on the file of the same police station for the very same offences and only to avoid arrest in connection with the said crime, the above telegram is sent by the petitioner. In the counter it is specifically denied about the arrest of the alleged detenu in connection with Crime No.508 of 2007.

Having regard to the fact that the alleged detenu was enlarged on regular bail in connection with Crime No.502 of 2007 and for the very same offences another case was registered in Crime No.508 of 2007, it is directed that in the event of alleged detenu being arrested in the subsequent crime, the police shall produce him before the Magistrate concerned immediately.

The Writ Petition is disposed of with the above observations.

No order as to costs.

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A. GOPAL REDDY, J.

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20th DECEMBER, 2007 G.V.

SEETHAPATHY, J.

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